

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS

BEAUMONT DIVISION

KIRK D. GIBSON	§	
VS.	§	CIVIL ACTION NO. 1:08-CV-12
DAVID L. JEFFCOAT, ET AL.	§	

MEMORANDUM OPINION AND ORDER

Plaintiff Kirk D. Gibson, an inmate previously confined at the Stiles Unit of the Texas Department of Criminal Justice, Correctional Institutions Division (TDCJ-CID), proceeding *pro se* and *in forma pauperis*, filed this action pursuant to 42 U.S.C. § 1983 against employees of the Stiles Unit. Plaintiff has filed a motion for injunctive relief requesting a transfer to another prison unit.

Analysis

A party seeking a temporary restraining order or preliminary injunction must establish the following elements: (1) there is a substantial likelihood the party will prevail on the merits; (2) a substantial threat exists that irreparable harm will result if the injunction is not granted; (3) the threatened injury outweighs the threatened harm to the defendants; and (4) the granting of the preliminary injunction will not disserve the public interest. *Karaha Bodas Co. v. Perusahaan Pertambangan Minyak Dan Gas Bumi Negara*, 335 F.3d 357, 363 (5th Cir. 2003); *Lakedreams v. Taylor*, 932 F.2d 1103, 1107 (5th Cir. 1991); *Clark v. Prichard*, 812 F.2d 991, 993 (5th Cir. 1987); *Canal Authority of the State of Florida v. Callaway*, 489 F.2d 567, 572 (5th Cir. 1974). Relief should be granted only if the party seeking relief has clearly carried the burden of persuasion as to all four elements. *Karaha Bodas Co.*, 335 F.3d at 363; *Black Fire Fighters Association v. City of*

*Dallas*, 905 F.2d 63, 64 (5th Cir. 1990); *Mississippi Power & Light v. United Gas Pipe Line*, 760 F.2d 618, 621 (5th Cir. 1985).

Plaintiff requests a transfer from the Stiles Unit. However, he is no longer confined at that facility. Plaintiff's transfer to a different prison unit has rendered his claims for injunctive relief moot. *Cooper v. Sheriff, Lubbock County, Texas*, 929 F.2d 1078, 1084 (5th Cir. 1991).

ORDER

In accordance with the foregoing, plaintiff's motion for injunctive relief (document no. 27) is **DENIED**.

So **ORDERED** and **SIGNED** this **31** day of **August, 2009**.

A handwritten signature in black ink, appearing to read "Ron Clark", is written above a horizontal line.

Ron Clark, United States District Judge